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August 15, 2008

### VIA EMAIL

Honorable Paul A. Crotty  
United States District Court Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 735  
New York, NY 10007

USDS SDNY  
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Re: New Jersey Carpenters Health Fund v. Home Equity Mortgage Trust,  
Series 2006-5, et al., No. 08-cv-5653 (PAC)

Dear Judge Crotty:

We represent Defendants Credit Suisse First Boston Mortgage Securities Corporation, Andrew A. Kimura, Thomas Zingalli, Jeffrey A. Altabef, Michael A. Marriott, Evelyn Echevarria and Credit Suisse Securities (USA), LLC, and, with permission of counsel, write on behalf of all parties in the above-referenced action. Pursuant to Your Honor's request at the Pre-Motion Conference on August 7, 2008, we are writing to set forth the parties' position on whether Your Honor may preside over this case in light of Your Honor's prior relationship with the law firm Satterlee Stephens Burke & Burke LLP ("Satterlee"), which is counsel for Defendant Moody's Investors Service, Inc. in this action.

The judicial recusal statute, 28 U.S.C. § 455, requires recusal under certain enumerated proscribed circumstances, see § 455(b)(1)-(5), and, as provided in § 455(a), "in any proceeding in which [a judge's] impartiality might reasonably be questioned." There is no indication that any of the enumerated proscribed circumstances apply in this action. Accordingly, the only question is whether Your Honor's relationship with Satterlee requires recusal under § 455(a), which essentially incorporates an objective "appearance of impropriety" standard. See e.g., Local 38 RWDSU v. Trade Fair Supermarkets, 455 F. Supp. 2d 143, 144 (E.D.N.Y. 2006).

Your Honor advised the parties that Your Honor's last contact with Satterlee was approximately three years ago, with a trusts and estates attorney uninvolved with the instant litigation. Under these circumstances, all parties agree that recusal is not warranted under § 455(a). See U.S. v. West Productions, Ltd., No. 95 Civ. 1424, 2003 WL 328307 (S.D.N.Y. Feb. 13, 2003) (holding that recusal of judge was not required even though law firm represented judge in personal trusts and estates matter at the same time that law firm represented party in litigation before judge); see also In re Martin-Trigona, 760 F.2d 1334 (2d Cir. 1985) (affirming

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denial of motion for recusal of district court judge where judge was represented by law firm in personal matter and same law firm had formerly represented party in litigation pending before judge).

Respectfully submitted,

*Scott E. Eckas /mk*

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cc: All Counsel of Record

*The Court will not  
recuse.*

**SO ORDERED: AUG 18 2008**

*Paul A. Crotty*  
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**HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE**